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February 13, 2020

Via ECF

The Honorable Sarah Netburn
Thurgood Marshall
United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)
(All Actions)

Dear Judge Netburn:

I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”), in opposition to the letter-motion filed earlier today by the Plaintiffs’ Executive Committees (“Plaintiffs”), requesting oral argument on their second motion to compel against Saudi Arabia.

Saudi Arabia respectfully submits that oral argument is unlikely to aid the Court because of the quantity of sealed and confidential material at issue (including both FBI confidential material and Saudi Arabia’s confidential material), which should not be disclosed in open court. As illustrated by the discussion in chambers before the November 15, 2019 hearing, discussion in open court can raise a significant risk of disclosure of confidential material even if all counsel make their best efforts to comply with both applicable protective orders.

In addition, scheduling oral argument will likely delay resolution of this straightforward motion. The parties have an interest in the present motion being resolved earlier, rather than later, in light of the ongoing process of negotiating a deposition protocol, scheduling depositions, and completing fact discovery within the approximately three-month period contemplated by the Court. Hr’g Tr. 40:2-9 (Jan. 13, 2020). Although we believe Plaintiffs’ motion should be denied in its entirety, any relief the Court may issue should be coordinated with (rather than postpone) the deposition schedule.

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Counsel for Saudi Arabia will of course be available for any hearing the Court sets, for this or any other purpose.

Respectfully submitted,

/s/ Michael K. Kellogg

Michael K. Kellogg

cc: The Honorable George B. Daniels (via facsimile)
All MDL Counsel of Record (via ECF)